IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4718 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JYOTI VIDYAMANDIR TRUST

Versus

STATE OF GUJARAT

Appearance:

MR MUKUND M DESAI for Petitioner

Ms. Harsha Devani, AGP, for the Respondents.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/02/2001

ORAL JUDGEMENT

Rule. Ms. Harsha Devani, AGP, waives service of Rule for the respondents.

With the consent of the learned Advocates, the matter is finally heard today.

By this petition, the petitioner-Trust has challenged the action of the respondents in withholding of its maintenance grant and other grants from 1993-'94 till today. Notice has already been issued by this Court, but no reply has been filed in this petition.

It is the say of Mr.Desai for the petitioner that the petitioner has not been even given the order withholding the grant in question and without any valid reason, since 1993-'94, the petitioner's school is not given the benefit of maintenance grant and other grants.

Considering the facts and circumstances of the case, I am of the opinion that the petitioner should make a representation to the Education Department of the State of Gujarat, highlighting the aforesaid facts before the said Department. The Department is directed thereafter to decide the question of withholding of grant of the petitioner. Since there is no order available before the Court and since Mr.Desai states that his client has also not been given any order or reasons for withholding of grant, it is just and proper to direct the petitioner first to make an appropriate representation to the Department.

The petitioner is accordingly directed to make a representation to the Education Department of the State of Gujarat. Such representation should be made on or before 1st March, 2001. On receiving the same, the State will decide the same objectively and the representation of the petitioner should be decided as early as possible and within a period of two months from the date of receipt of such representation. The Department is directed to pass a reasoned order while adjudicating the said representation, and the facts and circumstances of the case also should be taken into consideration before taking final decision in this connection. It is clarified that if the decision on such representation goes against the petitioner, it would be open for the petitioner to challenge the same by taking appropriate proceedings in accordance with law.

The petition is allowed partly. Rule is made absolute accordingly. No costs.

The AGP is requested to communicate this order to the concerned Department.

Direct service is permitted.

19th February, 2001 (P.B. Majmudar, J.)

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(apj)